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Via Electronic Mail Only

November 1, 2007

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Jeffrey Hartsfield Belote
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Re: *Phillips v. Diamond, et al.*
United States District Court, California Northern District
Hon. Susan Illston
Case Number: 07-cv-03305

Dear Counsel:

As you know, I have been appointed by the District Court to serve as the mediator in this case under the court's Mediation program. Please be sure to review carefully ADR L.R. 6, which governs the Mediation program. I attach a resume describing my professional experience.

Pursuant to ADR L.R. 6-6, I will conduct a phone conference with all counsel before the formal mediation to discuss the following:

- ▶ the procedures to be followed;
- ▶ the nature of the case;
- ▶ appropriate dates for the mediation and anticipated length of the session;
- ▶ the parties who must be present under ADR L.R. 6-9 and the parties who need to be present to have a productive mediation session;
- ▶ ideas to improve the effectiveness of the mediation session or matters that could pose impediments;
- ▶ requirements for your written mediation statements;

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- ▶ any questions you might have about how I normally conduct mediations; and
- ▶ any questions you might have about the mediation program.

I anticipate that the telephone conference will last about one-half hour. I have set the telephone conference for ***Friday, November 9, 2007 at 10:00 a.m. Please call my office or email me within 48 hours after receiving this letter to confirm your availability. If you are not available, please let opposing counsel and me know alternative times within a week of this date when you are available.*** Before the telephone conference, please ascertain from your clients and any insurers a selection of dates upon which the mediation may be conducted.

My conflicts check revealed no actual or potential conflicts of interest under 28 U.S.C. §455(a) and (b), and I am not aware of any other circumstances that would compromise my impartiality or the appearance of impartiality. As was previously disclosed by the ADR Program Staff, I have been involved in a number of cases with the Carroll Burdick law firm. I do not believe this would compromise my ability to act as mediator. I understand that all parties were informed of this fact and had no objection to my appointment. If my understanding is incorrect, please let me know immediately.

I look forward to assisting you on this case.

Very truly yours,

Bruce H. Winkelman

Bruce H. Winkelman

cc: Clerk's Office-ADR Unit